Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Delete, Delete, Delete	)	GN Docket No. 25-133
	)	
Expanding Flexible Use of the 12.2-12.7 GHz Band	)	WT Docket No. 20-443
	)	
Expanding Use of the 12.7-13.25 GHz Band for Mobile Broadband or Other Expanded Use	)	GN Docket No. 22-352
	)	

COMMENTS OF INTELSAT LICENSE LLC

I. INTRODUCTION

Intelsat License LLC ("Intelsat") welcomes the opportunity to submit these comments in response to the Federal Communications Commission's ("FCC" or "Commission") "*Delete, Delete, Delete*" proceeding.[1] The FCC has often led the way in promoting the space economy—and has been willing to think outside the box to accommodate systems that break the regulatory mold.[2] By embracing this type of innovative thinking through a fresh look at its satellite rules, the Commission can keep the U.S. as the preeminent jurisdiction for deploying advanced, innovative space-based communications solutions.

Intelsat recognizes that many of the FCC's rules were well-intentioned and served a useful purpose at the time they were enacted. However, years of layered regulatory expansion have resulted in a complex web of rules that are overly complicated, obsolete, and disconnected from

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[1] *In Re: Delete, Delete, Delete*, Public Notice, GN Docket No. 25-133, DA 25-219 (rel. Mar. 12, 2025) ("Public Notice").

[2] *See, e.g.*, *Single Network Future: Supplemental Coverage From Space*, Report and Order and Further Notice of Proposed Rulemaking, 39 FCC Rcd 2622 (2024).

their original purpose. Regulations must keep pace with the speed of space innovation, and they especially damage U.S. space leadership when they burden the U.S. regulatory environment with onerous requirements that go well beyond the regimes of comparative jurisdictions and International Telecommunication Union ("ITU") regulations. Sometimes, these rules denigrate U.S. orbital rights, a result unlikely to be tolerated by other administrations for their own orbital rights. Eliminating these disparities presents low-hanging fruit for the Commission in this proceeding: at a time when commercial space development continues to increase in importance for global competition and national security, the U.S. government has no reason to subject its own operators to unequal and overly restrictive regulation compared to their counterparts in other licensing jurisdictions. In addition, the FCC should delete rules hampering U.S. satellite operators that have been obviated by technological developments, economic incentives, and other marketplace and regulatory changes.

These comments identify key examples of rules that "stand in the way of deployment, expansion, competition, and technological innovation."[3] Intelsat looks forward to reviewing the record in this proceeding and working with the Commission to identify further opportunities to facilitate a less burdensome licensing framework that will achieve Chairman Carr's goal of making "America the most attractive country in the world to launch a space business."[4]

II. THE COMMISSION SHOULD ELIMINATE RULES AND POLICIES THAT ARE MORE RESTRICTIVE THAN ITU REGULATIONS.

One area of regulation that is ripe for review lies in FCC rules and policies that go beyond the restrictions imposed by ITU regulations. The ITU's Radio Regulations apply to satellite

[3] *Id*. at 1.
[4] *FCC Chairman Carr Announces Early Wins at Launch of Satellite Week*, News Release (rel. Mar. 10, 2025) ("Chairman Carr Satellite Week Statement").

operators globally and are more than sufficient to address interference concerns. While many licensing jurisdictions largely adopt rules in line with the ITU's Radio Regulations, the Commission imposes rules that go beyond these regulations' requirements:

- **Commission's 0.05° Station-Keeping Requirement**.[5] This requirement goes beyond the station-keeping requirements imposed globally by the ITU and places unnecessary and additional burdens on U.S. operators.[6] The rule is unnecessary considering satellite operators' compliance with the existing, globally accepted standard for station-keeping requirements required by the ITU. Moreover, while the FCC has previously determined that the ability to grant a waiver mitigates the burden of this rule,[7] repeated waiver requests across a large fleet of geostationary ("GSO") satellites imposes significant regulatory burdens. More fundamentally, U.S. operators should not have to file reams of paperwork to ensure that the U.S. government treats them the same way as foreign governments treat their licensees.

  Two-Degree Spacing Rules. The Commission should eliminate its two-degree spacing rules, which impede the robust utilization of spectral resources, denigrate U.S. orbital rights vis-à-vis non-U.S. rights, and are absent in other jurisdictions.[8] Marketplace changes have rendered the two-degree rules unnecessary. Intelsat and other operators routinely coordinate at orbital spacings necessary to deliver required services to customers without creating harmful interference or otherwise adversely affecting the spectral environment. Moreover, the FCC's routine waiver of the rules confirm their obsolescence as space operators have become more sophisticated in their orbital operations.[9] Additionally, the two-degree spacing policy often ends up, inadvertently, denigrating U.S. orbital rights with respect to foreign rights because it requires accepting levels of interference from neighboring operators, irrespective of established ITU priority.

- **Prior Authorization to Drift and Other Fleet Management Restrictions.** The Commission should eliminate its requirement for prior authorization to drift satellites.

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[5] 47 CFR § 25.210(j).
[6] ITU R.R. No. 22.6-8.
[7] *Expediting Initial Processing of Satellite and Earth Station Applications*, Report and Order and Further Notice of Proposed Rulemaking, IB Docket Nos. 22-411, 22-271, FCC 23-73, ¶ 77 (rel. Dec. 8, 2023).
[8] The Commission has adopted power limits on uplink and downlink transmissions designed to prevent harmful interference between GSO FSS space stations at two-degree orbital spacing intervals. *See* 47 CFR §§ 25.140(a)(3), (b)(3), 25.211(d), 25.212(c), (d), (f), 25.218.
[9] *See e.g. Application of Intelsat License LLC to Modify Authorization for Intelsat 902 (S2402)*, Grant, ICFS File No. SAT-MOD-20200326-00028, Condition 22 (Aug. 6, 2020); *Application of Intelsat License LLC to Modify Authorization for Intelsat 10-02 (S2414)*, Grant, ICFS File No. SAT-MOD-20190429-00032, Condition 16 (Jul. 11, 2019); *Application of Horizons-3 License LLC to Modify Authorization for Horizons 3e (S2947)*, Grant, ICFS File No. SAT-MOD-20170622-00093, Condition 7 (Apr. 4, 2018).

These prior approval restrictions particularly burden operators like Intelsat, which manages a fleet of more than fifty GSO satellites. The narrow parameters associated with the FCC's streamlined fleet management procedures further impair the speed of service by U.S. licensed satellite operators.[10] The agency has already recognized the benefits of reducing complexity and micromanagement of fleet operations with streamlined licensing and regulations for NGSO operators.[11] It should recognize the benefits of adopting a similar stance for GSO operators as well. More generally, the Commission should move away from a "mother may I" licensing regime that hinders operator flexibility and instead should take note of competing jurisdictions that provide more flexibility and empower their licensees to conduct necessary fleet management operations. Other jurisdictions like the United Kingdom's OFCOM or Brazil's ANATEL empower their satellite operators to proactively manage their systems without regulatory micromanagement (for example, by providing operators with more flexibility in beam steering operations).

- **12.7 GHz Filing Freeze.**[12] Intelsat is pleased to note that since this Public Notice was released, the FCC has opened a new proceeding examining more intensive use of the 12.7 GHz band.[13] Intelsat looks forward to participating in that proceeding and working with the Commission to expeditiously reopen the band for new licensing applications that will spur the deployment of new and innovative satellite technologies, including FSS GSO deployments, in the band. Intelsat reiterates its previous stance that the expansion of the use of the 12.7 GHz band for satellite applications will facilitate the immediate growth of broadband and specialized satellite connectivity services to both government and private sector customers.[14]

- **Footnote NG52 of U.S. Table of Frequency Allocations.** Intelsat has previously advocated that the FCC should remove footnote NG52 of the Table of Frequency Allocations, [15] which functionally prohibits domestic GSO FSS services in the 12.75-13.25 GHz band.[16] Removing footnote NG52 would facilitate the more intensive use of spectrum resources and allow U.S. satellite operators to utilize the band to its full

[10] *See generally* 47 CFR §25.118(e) (imposing certain restrictions on the relocation of GSO space station without prior authorization).
[11] *See* 47 CFR §25.118(f) (requiring less advanced notice for NGSO operators than is required for GSO operators and not requiring licensee certifications to repositioning space stations without prior authorization).
[12] *Expanding Use of the 12.7 – 13.25 GHz Band*, Notice of Inquiry and Order, GN Docket No. 22-352, FCC 22-80, ¶ 44 (rel. October 28, 2022).
[13] *Modernizing Spectrum Sharing for Satellite Broadband*, Draft Notice of Proposed Rulemaking, SB Docket No. 25-157, FCC-CIRC2504-01 (rel. Apr. 7, 2025).
[14] Joint Reply Comments of Intelsat License LLC, SES Americom, Inc., Hispasat, S.A., Eutelsat S.A., Ovzon LLC, WT Docket No. 20-443, GN Docket No. 22-352, at 2 (filed Sept. 8, 2023) ("Joint Satellite Operator 12.7 GHz Reply Comments").
[15] *Id.* at 3.
[16] 47 CFR § 2.106, fn. NG52 (limiting the use of 10.7-11.7 GHz, 12.75-13.25 GHz bands by GSO FSS systems to international systems).

potential, as is the case in the rest of the world.[17] As the Commission has previously noted, the principal incumbents that NG52 aims to protect – BAS, CARS, and FS licensees – favor proposals to be relocated into a smaller amount of spectrum, [18] obviating the rationale for maintaining NG52 at the expense of more intensive use of the band for satellite services.

III. THE COMMISSION SHOULD ELIMINATE OUTDATED AND UNNECESSARY SATELLITE RULES AND POLICIES.

Intelsat commends the Commission's review of rules that have either been rendered unnecessary by marketplace and technological changes, become duplicative with the enactment of subsequent FCC rules, provide little benefit compared to the costs imposed by the rule, or otherwise "stand in the way of deployment, expansion, competition, and technological innovation."[19] Several such rules are:

- **Space Station Bond Requirements.**[20] With the proposed extension of regulatory fees to authorized, but not operational, space stations, the Commission's bond requirements have become unnecessary to prevent spectral and orbital resource warehousing and should be eliminated.[21] The elimination of the bond requirement, presuming the Commission goes forward with extending regulatory fees to authorized, but not operational, space stations, will eliminate duplicative regulations and ensure that space operators have access to capital when it is most needed: during the crucial period between the authorization and launch of a satellite. Either way, the Commission must consider the tax on innovation and global leadership that a bond requirement imposes. The bond system, unique to the U.S. licensing regime, intimidates would-be filers from pursuing innovative, risk-informed ventures that require flexibility in the selection of orbital slots, frequencies, and other considerations. Additionally, the bond requirements curtail the ability of U.S. operators to maintain optionality in a competitive and dynamic space ecosystem,

[17] Joint Satellite Operator 12.7 GHz Reply Comments at 2.
[18] *See Expanding Flexible Use of the 12.2-12.7 GHz Band, Expanding Use of the 12.7-13.25 GHz Band for Mobile Broadband or Other Expanded Use*, Report and Order and Further Notice of Proposed Rulemaking and Notice of Proposed Rulemaking and Order, WT Docket No. 20-443, GN Docket No. 22-352, FCC 23-36, ¶ 65 (rel. May 19, 2023) ("[R]epacking to a discrete portion of the 12.7 GHz band remains not only possible, but a favorable outcome according to broadcasters, provided they are reimbursed and are adequately protected. We therefore propose to repack mobile BAS/CARS incumbents to a portion of the 12.7 GHz band.").
[19] Public Notice, at 1-4.
[20] 47 CFR § 25.165.
[21] *Assessment and Collection of Space and Earth Station Regulatory Fees for Fiscal Year 2024*, Further Notice of Proposed Rulemaking, MD Docket No. 24-85, FCC 25-11, ¶ 13 (rel. Feb. 25, 2025).

disadvantaging U.S. operators compared to their foreign counterparts. Due to the bond requirement, operators interested in maintaining that flexibility will simply walk to other administrations rather than pursue their innovative ideas using U.S. licensing.

- **Use of License Conditions as Replacement for Rulemaking.** The Commission should take a hard look at its routine use of license conditions that go beyond the restrictions contained in established regulations. This practice creates a patchwork of inconsistent regulation on a per-satellite basis that imposes significant compliance costs on operators' many licensed satellites. It also functions as a regulatory "backdoor" for adding new requirements that deprives industry and the Executive branch of the process necessary to ensure that regulation advances the public interest. This Public Notice should address the use of these conditions as a "band-aid" for perceived gaps in regulations. Instead, those gaps should be addressed going forward through normal procedures using the Commission's statutory notice-and-comment rulemaking authority.

- **U.S. ITU Filing Requirements.** The Commission should review policies that asymmetrically restrict the use of U.S.-licensed satellites or U.S. ITU filings. Unique restrictions on U.S.-licensed operators' use of ITU filings place unequal burdens on them and make America a less attractive location for space investment and innovation. While other jurisdictions adopt a more business-friendly stance towards accepting foreign ITU filings for licensing purposes, the FCC has continued its policy preference, and at times requirement, that U.S.-licensed operators submit U.S. ITU filings. For example, the FCC's emerging policy preference for requiring U.S. satellite licensees to make junior U.S. ITU filings when the U.S. non-objects to the operator's use of a higher priority, non-U.S. ITU filing imposes burdensome restrictions on domestic operators and creates significant regulatory complexity and confusion. Additionally, the FCC's requirement that only U.S. satellites can operate against U.S. ITU filings similarly burdens operator flexibility and makes the U.S. a less attractive jurisdiction for space investment and innovation. It also makes preserving U.S. orbital rights immensely more difficult. The Commission should eliminate this out-of-date and burdensome requirement.

IV. CONCLUSION

Intelsat welcomes the Commission's timely review of rules that stand in the way of unleashing the American space economy. The FCC can create a licensing regime focused on "speed, simplification," and growth,[22] and the United States can continue to lead the way in deploying innovative, advanced, and critical communications services to the American people and globally. Intelsat looks forward to reviewing the record in this proceeding and working with the Commission to realize these goals.

Respectfully submitted,

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[22] Chairman Carr Satellite Week Statement.